

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DAVID L. BELMONTE,

Plaintiff,

v.

KING COUNTY, et al.,

Defendants.

C24-1763 TSZ

ORDER ADOPTING REPORT  
AND RECOMMENDATION

THIS MATTER comes before the Court on the Report and Recommendation of the Honorable Theresa L. Fricke, United States Magistrate Judge, docket no. 4. Having reviewed the Report and Recommendation and the remaining record, the Court enters the following order.

Plaintiff David Belmonte filed a Complaint against King County, the City of Seattle, and several Seattle law enforcement personnel (collectively, “Defendants”). Complaint at 1–2 (docket no. 1). Plaintiff claims Defendants unlawfully arrested, imprisoned, and maliciously prosecuted him in violation of the Fourth Amendment. Id. at 2. Because Plaintiff failed to pay the filing fee or apply to proceed *in forma pauperis* (“IFP”), the Clerk sent him a letter advising him he must pay the filing fee or submit an IFP application by November 29, 2024, or the case may be dismissed. Letter (docket

no. 2). Plaintiff failed to respond to the Clerk's letter and has neither paid the filing fee nor submitted an IFP application.

Judge Fricke recommended the case be dismissed without prejudice for failure to prosecute. Report and Recommendation at 1–2 (docket no. 4). The Report and Recommendation was mailed to Plaintiff at the King County Jail, but it was returned as undeliverable. Envelope at 1 (docket no. 5). The following appears to be written on the envelope:

[n]ot in jail  
[elec]tronic home detention

Id. No other address for Plaintiff is listed in the docket. Plaintiff did, however, receive from the Clerk notice of his filing deficiency and risk of dismissal.

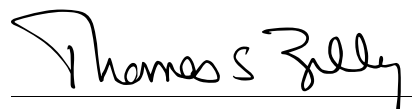
### **Conclusion**

For the foregoing reasons, the Court ORDERS:

- (1) The Court ADOPTS the Report and Recommendation, docket no. 4.
- (2) This case is DISMISSED without prejudice for failure to prosecute and for failure to comply with court orders.
- (3) The Clerk is directed to CLOSE this case and to send copies of this order to Plaintiff and to the Honorable Theresa L. Fricke.

IT IS SO ORDERED.

Dated this 3rd day of January, 2025.



Thomas S. Zilly  
United States District Judge